

No. 23-2248

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

KRISTIN WORTH, et al.,

Plaintiffs-Appellees,

vs.

BOB JACOBSON, in his individual capacity and in his official
capacity as Commissioner of the Minnesota Department of Public
Safety,

Defendant-Appellant.

On Appeal from the United States District Court for the
District of Minnesota

**UNOPPOSED MOTION FOR LEAVE TO FILE *AMICI*
CURIAE BRIEF OF GIFFORDS LAW CENTER TO
PREVENT GUN VIOLENCE, BRADY CENTER
TO PREVENT GUN VIOLENCE, AND MARCH FOR
OUR LIVES FOUNDATION IN SUPPORT OF
DEFENDANT-APPELLANT'S PETITION FOR
REHEARING *EN BANC***

[Additional Counsel Listed
on Signature Page]

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August 6, 2024

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CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

The undersigned counsel of record certifies that the following listed persons and entities have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal pursuant to Local Rule 29A.

1. Kramer, Liz (Counsel for Appellant)
2. Prutzman, Amanda (Counsel for Appellant)
3. State of Minnesota Office of the Attorney General
4. Commissioner of the Minnesota Department of Public Safety (Appellant)
5. Thompson, David (Counsel for Appellees)
6. Patterson, Peter (Counsel for Appellees)
7. Bergstrom, William (Counsel for Appellees)
8. Minnesota Gun Owners Caucus (Appellee)
9. Second Amendment Foundation (Appellee)
10. Firearms Policy Coalition, Inc. (Appellee)
11. Worth, Kristin (Appellee)
12. Dye, Austin (Appellee)
13. Anderson, Axel (Appellee)
14. Giffords Law Center to Prevent Gun Violence (*Amicus Curiae*)

15. Giffords (Affiliate of *Amicus Curiae* Giffords Law Center to Prevent Gun Violence)
16. Giffords PAC (Affiliate of *Amicus Curiae* Giffords Law Center to Prevent Gun Violence)
17. Brady Center to Prevent Gun Violence (*Amicus Curiae*)
18. March For Our Lives Foundation (*Amicus Curiae*)
19. Albornoz, Beatriz L. (Of Counsel for *Amici Curiae* Giffords Law Center to Prevent Gun Violence, Brady Center to Prevent Gun Violence, and March For Our Lives Foundation)
20. Jenks, Madeline B. (Of Counsel for *Amici Curiae* Giffords Law Center to Prevent Gun Violence, Brady Center to Prevent Gun Violence, and March For Our Lives Foundation)
21. Kivett, Sophie A. (Counsel of Record for *Amici Curiae* Giffords Law Center to Prevent Gun Violence, Brady Center to Prevent Gun Violence, and March For Our Lives Foundation)
22. Rose, Elizabeth A. (Of Counsel for *Amici Curiae* Giffords Law Center to Prevent Gun Violence, Brady Center to Prevent Gun Violence, and March For Our Lives Foundation)
23. Sacks, Robert A. (Of Counsel for *Amici Curiae* Giffords Law Center to Prevent Gun Violence, Brady Center to Prevent Gun Violence, and March For Our Lives Foundation)
24. Sanchez-Gomez, Esther (Of Counsel for *Amicus Curiae* Giffords Law Center to Prevent Gun Violence)
25. Letter, Douglas N. (Of Counsel for *Amicus Curiae* Brady Center to Prevent Gun Violence)

26. Feldman, Shira Lauren (Of Counsel for *Amicus Curiae* Brady Center to Prevent Gun Violence)
27. Sullivan & Cromwell LLP (Law firm representing *Amici Curiae* Giffords Law Center to Prevent Gun Violence, Brady Center to Prevent Gun Violence, and March For Our Lives Foundation)
28. Traps, Leonid (Of Counsel for *Amici Curiae* Giffords Law Center to Prevent Gun Violence, Brady Center to Prevent Gun Violence, and March For Our Lives Foundation)

Giffords Law Center to Prevent Gun Violence, Brady Center to Prevent Gun Violence, and March For Our Lives Foundation state that each organization does not have parent corporations. They do not have stock, and therefore no publicly held company owns 10% or more of their stock.

/s/ Sophie A. Kivett

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August 6, 2024

In accordance with Rules 27 and 29 of the Federal Rules of Appellate Procedure, *amici* Giffords Law Center to Prevent Gun Violence (“Giffords Law Center”), Brady Center to Prevent Gun Violence (“Brady”), and March for Our Lives Action Fund (“MFOL”) (collectively, “*Amici*”) respectfully move for leave to file the accompanying brief in support of Appellee’s petition for rehearing. Both Plaintiffs-Appellees and Defendant-Appellant consent to the filing of this motion and the accompanying brief.

I. Interest of *Amici Curiae*

Amicus curiae Giffords Law Center to Prevent Gun Violence is a non-profit policy organization serving lawmakers, advocates, legal professionals, gun violence survivors, and others who seek to reduce gun violence and improve safety in their communities.¹ The organization was founded more than a quarter-century ago following a gun massacre at a San Francisco law firm and was renamed Giffords Law Center in 2017 after joining forces with the gun-safety organization led by former

¹ Giffords Law Center’s website, www.giffords.org/lawcenter, is the premier clearinghouse for comprehensive information about federal, state, and local firearms laws and Second Amendment litigation nationwide.

Congresswoman Gabrielle Giffords. Today, through partnerships with gun violence researchers, public health experts, and community organizations, Giffords Law Center researches, drafts, and defends laws, policies, and programs proven to effectively reduce gun violence. Together with its partner organization Giffords, Giffords Law Center also advocates for the interests of gun owners and law enforcement officials who understand that gun-safety legislation and community violence prevention strategies are not only consistent with the Second Amendment, they are essential to protecting the health, safety, and lives of every person in the Nation.

Giffords Law Center has contributed technical expertise and informed analysis as an *amicus* in numerous cases involving firearm regulations and constitutional principles affecting gun policy. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570 (2008); *McDonald v. City of Chicago*, 561 U.S. 742 (2010); *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022); *United States v. Rahimi*, 144 S. Ct. 1889 (2024). Numerous courts have cited research and information from Giffords Law Center’s *amicus* briefs in Second Amendment rulings. *See, e.g., Ass’n of N.J. Rifle & Pistol Clubs v. Att’y Gen. N.J.*, 910 F.3d 106, 121-22 (3d Cir.

2018); *Hirschfeld v. BATFE*, 417 F. Supp. 3d 747, 754, 759 (W.D. Va. 2019); *Maryland Shall Issue v. Hogan*, 353 F. Supp. 3d 400, 403–05 (D. Md. 2018); *Stimmel v. Sessions*, 879 F.3d 198, 204, 208, 210 (6th Cir. 2018); *Peruta v. Cnty. of San Diego*, 824 F.3d 919, 943 (9th Cir. 2016) (en banc) (Graber, J., concurring).²

Amicus curiae Brady is the nation’s most long-standing nonpartisan, nonprofit organization dedicated to reducing gun violence through education, research, and legal advocacy. Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action to prevent gun violence. Brady has a substantial interest in ensuring that the Constitution is construed to protect Americans’ fundamental right to live. Brady also has a substantial interest in protecting the authority of democratically elected officials to address the nation’s gun violence epidemic.

Brady has filed *amicus* briefs in many cases involving the regulation of firearms. *See, e.g., Bruen*, 597 U.S. 1; *Heller*, 554 U.S. 570. Multiple decisions have cited Brady’s research and expertise on these

² Giffords Law Center filed the last two briefs under its former name, the Law Center to Prevent Gun Violence.

issues. *See, e.g., United States v. Hayes*, 555 U.S. 415 (2009); *Nat’l Ass’n for Gun Rights, Inc. v. City of San Jose*, 2023 WL 4552284, at *5-6 (N.D. Cal. July 13, 2023); *Hanson v. District of Columbia*, 2023 WL 3019777, at *10, *14, *16 & nn.8, 10 (D.D.C. Apr. 20, 2023).

Amicus curiae MFOL is a non-profit organization of young people from across the country who are fighting for sensible gun violence prevention policies that will save lives. After the mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, on February 14, 2018, MFOL was formed and immediately began advocating in the state legislature and Congress for common-sense gun violence prevention legislation to ensure what happened in Parkland would never again occur. Weeks later, hundreds of thousands of people joined MFOL in Washington, D.C., and at sibling marches all over the world for one of the largest single days of protest in history.

II. This Court Should Grant *Amici*’s Request for Leave to File in Support of Defendant-Appellant’s Petition.

Amici are among the leading national organizations devoted to the study of and advocacy for effective gun violence prevention. *Amici* have an unparalleled understanding of both the sociological and scientific factors that contribute to gun violence in the United States and the

landscape of gun laws at the federal, state, and local level. *Amici* are deeply concerned that the panel's decision to strike down the Minnesota statute at issue here—which is a limited restriction on the ability of young adults aged 18-20 to carry handguns in public—will make it more difficult for elected officials to enact constitutional measures to prevent gun violence and death caused by individuals in that age cohort, who are much more likely to commit gun violence against others and themselves. *Amici* are also concerned that the reasoning of the panel's decision conflicts with the Supreme Court's and this Court's Second Amendment cases in a way that could undermine a wide range of long-standing and historically grounded public safety gun regulations.

Each of these issues—the real-world effect of striking down Minnesota's law and the potential ramifications of the panel's decision—demonstrates the exceptional importance of this case and warrants rehearing. *See* Fed. R. App. P. 35(b)(1), 40(a)(2). As *Amici* explain further in the attached brief, rehearing is necessary to faithfully apply this Court's and the Supreme Court's precedents to these questions.

Amici therefore respectfully request leave to file the accompanying brief to assist the Court in its decision whether to grant panel rehearing or rehearing *en banc*.

Dated: August 6, 2024

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CERTIFICATE OF SERVICE

I certify that on August 6, 2024, the foregoing document was served on all parties or their counsel of record through the CM/ECF system.

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August 6, 2024

CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because this brief contains 983 words, excluding the parts of the brief exempted by Rule 32(f). This brief complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because this brief has been prepared in proportionally spaced typeface using Microsoft Word in 14-point Century Schoolbook font. This brief complies with Eighth Circuit Rule 28A(h)(2) because it has been scanned for viruses and is virus-free.

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